

**CALENDAR ITEM
C15**

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02/20/15
PRC 7918.9
N. Lee

GENERAL LEASE – PUBLIC AGENCY USE

APPLICANT:

Sonoma County Water Agency
404 Aviation Boulevard
Santa Rosa, CA 95403-9019

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Russian River and the Pacific Ocean, at Goat Rock State Beach, near the town of Jenner, Sonoma County.

AUTHORIZED USE:

Continued periodic breaching of the mouth of the Russian River to prevent flooding; and construction and maintenance of an outlet/pilot channel to form a freshwater lagoon for fish habitat enhancement and to prevent flooding in the Russian River.

LEASE TERM:

Beginning May 15, 2015; ending December 31, 2023

CONSIDERATION:

The public use and benefit with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

SPECIFIC LEASE PROVISIONS:

Prior to the start of breaching, Lessee will contact the California Department of Parks and Recreation lifeguards and post signs and barriers to remain for the duration of the breaching to minimize potential hazards to the public.

OTHER PERTINENT INFORMATION:

1. Applicant has the right to use the uplands adjoining the lease premises.
2. On January 26, 2012, the Commission authorized a General Lease – Public Agency Use with the Sonoma County Water Agency (SCWA) for

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continued periodic breaching and construction and maintenance of an outlet/pilot channel to form a freshwater lagoon (Calendar Item 90). That lease will expire on May 14, 2015. The SCWA is now applying for a new General Lease – Public Agency Use.

3. Since the mid-1990s, the SCWA has artificially breached the sandbar at the mouth of the Russian River (River) when it has closed and water levels in the estuary have threatened low-lying properties. In 2008, the National Marine Fisheries Service (NMFS) issued the Russian River Biological Opinion, in response to Section 7 consultation by the U.S. Army Corps of Engineers (USACE) for operation of upstream dams. The Biological Opinion found that artificially elevated inflows to the estuary due to upstream dam operations during the low flow season (May 15 through October 15) and historic artificial breaching practices had significant adverse effects on the River's estuarine rearing habitat for steelhead, coho salmon, and Chinook salmon. As a result, the SCWA developed the Russian River Estuary Management Project (Project) to make the required changes in estuary management and to include a new method of opening the sandbar during the low flow season to create a more productive environment or new process for rearing Pacific salmonids. The lease issued by the Commission in 2012 authorized these estuary management changes.
4. Implementation of the Project involves management of the estuary as a summer lagoon during a lagoon management period of May 15 to October 15 (the low flow season) and continuation of the current artificial breaching practices during the remainder of the year. The Biological Opinion prescribes a program of potential, incremental phases until 2023 to accomplish the Project. If earlier phases are successful in meeting the performance criteria, subsequent phases will not be needed. Because of the adaptive management approach and potential for Project modifications, the lease authorized by the Commission in 2012 provided for three periods of summer lagoon management and potential winter breaching through May 14, 2015. This provision would provide sufficient experience and information to determine the Project's success and the ability to incorporate any modifications into a new lease. To date, changes to the adaptive management have been minimal and limited due to the few river mouth closures and timing of when permits were issued.
5. The SCWA has obtained all required permits, with the exception of the California Department of Parks and Recreation. The California Department of Parks and Recreation has issued one-year permits with the last one expiring on December 31, 2014; an extension is currently pending. The

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SCWA has requested that the new lease expire on December 31, 2023 to correspond with the terms of the Biological Opinion and the USACE permit.

6. An Environmental Impact Report (EIR), State Clearinghouse No. 2010052024, was prepared for this project by Sonoma County and certified on August 16, 2011. The California State Lands Commission staff has reviewed such document and Mitigation Monitoring Program prepared pursuant to the provisions of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21081.6) and adopted by the lead agency.

Findings made in conformance with the State CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15091, 15096) were adopted by Sonoma County.

A Statement of Overriding Considerations made pursuant to the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15093) was adopted by Sonoma County.

As part of its January 26, 2012, project approval, the Commission adopted a Mitigation Monitoring Program, adopted Findings, and a Statement of Overriding Considerations (Exhibits C, D, and E to Calendar Item 90).

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

County of Sonoma
California Coastal Commission
California Department of Fish and Wildlife
National Marine Fisheries Service (NMFS)
North Coast Regional Water Quality Control Board
U.S. Army Corps of Engineers

FURTHER APPROVALS REQUIRED:

California Department of Parks and Recreation

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EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that an EIR, State Clearinghouse No. 2010052024, was prepared for this Project by Sonoma County and certified on August 16, 2011, and that the Commission has reviewed and considered the information contained therein.

Re-adopt the Mitigation Monitoring Program, as contained on file in the Sacramento Office of the Commission as Exhibit C to Calendar Item 90, January 26, 2012.

Re-adopt the Findings made in conformance with California Code of Regulations, title 14, sections 15091 and 15096, subdivision (h), as contained on file in the Sacramento Office of the Commission as Exhibit D to Calendar Item 90, January 26, 2012.

Re-adopt the Statement of Overriding Considerations made in conformance with California Code of Regulations, title 14, section 15093, as contained on file in the Sacramento office of the Commission as Exhibit E to Calendar Item 90, January 26, 2012.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize issuance of a General Lease – Public Agency Use to Sonoma County Water Agency, beginning May 15, 2015, and expiring December 31, 2023, for the continued periodic breaching of the mouth of the Russian River to prevent flooding and construction and maintenance of an outlet/pilot channel to form a freshwater lagoon for fish habitat enhancement and to prevent flooding in the Russian River as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; and consideration to be the public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

EXHIBIT A

PRC 7918.9

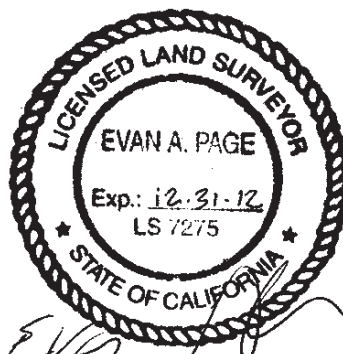
LAND DESCRIPTION

A parcel of tide and submerged lands lying partially in the bed of the Russian River and partially in the bed of the Pacific Ocean, adjacent to the Muniz Rancho, also being a portion of the Subdivision of the Rule Ranch as shown on the map filed in Book 11 of Maps at Page 14, records of Sonoma County, California, being more particularly described as follows:

BEGINNING at a point on the ordinary high water mark of the left (southerly) bank of the Russian River as shown on the Record of Survey filed in Book 111 of Maps at Page 10, records of Sonoma County, having a California Coordinate System (NAD 27, Zone 2) position of N = 287562.00', E = 1676667.00 (incorrectly shown as N = 287562.00', E = 1676000.00' on said Record of Survey), from which USC&GS station "Peaked Hill" lies S 24°08'32" E, 7818.70 feet, according to said Record of Survey; thence crossing the mouth of the Russian River N 32°57'21" W, 1056 feet, more or less, to the right (northerly) bank of the Russian River; thence southeasterly following said right (northerly) bank of the Russian River 1500 feet, more or less to a point which lies the following two (2) courses from the Point of Beginning: 1) S 67°54' E 530.64', and 2) N 22°49'35" E, 621 feet, more or less; thence leaving said right (northerly) bank and crossing said Russian River S 22°49'35" W, 621 feet, more or less to a point on the left (southerly) ordinary high water mark as shown on said Record of Survey, said ordinary high water mark lying approximately 30 feet northeasterly of and parallel to the remnants of an existing jetty, said jetty also being shown on said Record of Survey; thence northwesterly along said left (southerly) ordinary high water mark N 67°54' W (incorrectly shown as S 67°54' W on said Record of Survey), 530.64 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM any portions lying above the ordinary high water marks of the left and right banks of the Russian River and any portion along the coast of the Pacific Ocean lying above the ordinary high water mark of the Pacific Ocean.

END DESCRIPTION



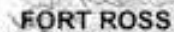
EVA
JAN 04 / 2012

NO SCALE



PACIFIC
OCEAN

NO SCALE



SITE

JENNER

FORESTVILLE

**SANTA
ROSA**

OCCIDENTAL

SEBASTOPOL

BODEGA BAY

MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

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SONOMA COUNTY
WATER AGENCY
GENERAL LEASE -
PUBLIC AGENCY USE
SONOMA COUNTY

